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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/800,330	03/15/2004	Peter P. Aichinger		1662

7590 12/15/2004
Irving Keschner
Suite 1150
21515 Hawthorne Boulevard
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EXAMINER

LANGDON, EVAN H

ART UNIT	PAPER NUMBER
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3654

DATE MAILED: 12/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/800,330

Applicant(s)

AICHINGER, PETER P.

Examiner

Evan H Langdon

Art Unit

3654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ireland (US 3,910,524) in view of the disclosed prior art (specification page 7, lines 7-8).

Ireland shows a device comprising:

- a housing 38, 40;
- a controllable motor 108 positioned in the housing and having an output shaft 106;
- a reeling spool 100 within the housing and coupled to the motor 100;
- a means for attaching fishing line to the spool; and
- a means for supplying power to the motor 108, as explained in column 3 on lines 40-45; and
- a means for adjusting the amount of power supplied to the motor, as explained in column 4, on lines 10-67.

The disclosed prior art (specification page 7, lines 7-8) states that a conventional microprocessor can be programmed to perform the tasks of adjusting the torque to specific settings to simulate fighting characteristic of a particular sport fish.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the electrical circuitry of Ireland to include a microprocessor as suggested by the disclosed, to adjustable set vary the torque to simulate a fighting sport fish.

In regards to claim 2, Ireland as modified by the prior art teaches a counter 124.

In regards to claim 3, Ireland as modified by the prior art teaches a means 102, 104 for preventing the line on the spool from exceeding a predetermined capacity.

In regards to claim 4, Ireland as modified by the prior art teaches the device including an inlet guide 58 formed on the housing.

In regards to claim 6, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the device of Ireland as modified by the prior art to include a hook sharpener or any other accessory commensurate with the fishing environment.

Claims 5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ireland as modified by the prior art as applied to claims 1 and 4 above, and further in view of Prais (US 6,260,785).

Prais teaches means for removing fishing lines from a rod and means to remotely enable power to be supplied to the motor, as seen in Figure 1B.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the power supplied to the motor of Ireland as modified by the prior art to include a means to remotely enable the power as suggested by Prais, to enable the user's hands to be free to hold and operate the fishing reel and rod.

Conclusion


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Evan H Langdon whose telephone number is (703)-306-5768. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on (703)-308-2688. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ehl


EMMANUEL MARCELO
PRIMARY EXAMINER
12/10/04
